

Order

Michigan Supreme Court
Lansing, Michigan

March 15, 2005

ADM File No. 2004-48

Proposed Amendment of
Rule 8.108 of the
Michigan Court Rules

Clifford W. Taylor
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Justices

On order of the Court, this is to advise that the Court is considering amendments of Rule 8.108 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposals or to suggest alternatives. The Court welcomes the views of all. This matter will be considered at a public hearing. The notices and agendas for public hearings are posted on the Court's website at www.courts.michigan.gov/supremecourt.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions are indicated by underlining and deletions are indicated by strikeover.]

Rule 8.108 Court Reporters and Recorders

(A)-(F) [Unchanged.]

(G) Certification.

(1) Certification Requirement.

- (a) ~~Except as provided in this subrule, only~~ Only reporters, ~~or~~ recorders, operators, or voice writers certified pursuant to this subrule may record or prepare transcripts of proceedings held in Michigan courts or of depositions taken in Michigan pursuant to these rules. This rule applies to the preparation of transcripts of videotaped courtroom proceedings or videotaped or audiotaped depositions, but not to the recording of such proceedings or depositions by means of videotaping. ~~An recorder operator~~ holding a CEO certification under subrule (G)(7)(b) may record proceedings, but may not prepare transcripts.
- (b) Proceedings held pursuant to MCR 6.102 or 6.104 need not be recorded by persons certified under this rule; however, transcripts of such proceedings must be prepared by court reporters, ~~or~~ recorders, operators, or voice writers certified pursuant to this rule.

(c)-(f) [Unchanged.]

(2) Court Reporting and Recording Board of Review.

(a) The Supreme Court shall appoint a Court Reporting and Recording Board of Review, composed of

(i) [Unchanged.]

(ii) a circuit ~~or recorder's~~ judge;

(iii)-(ix)[Unchanged.]

(b)-(d) [Unchanged.]

(3) Certification by Testing.

(a) At least twice each year the board shall administer an examination testing knowledge and speed, and, as to a recorder, operator, or voice writer, familiarity with basic logging techniques and minor repair and maintenance procedures. The board shall determine the passing score.

(b) In order to be eligible for registration for an examination, an applicant must

(i) be at least 18 years of age,

(ii) be a high school graduate, and

(iii) not have been under sentence for a felony for a period of two years.

(c) In addition, an applicant for the certified shorthand reporter examination must have satisfactorily completed a post-high school approved, accredited, or recognized course of study in court reporting and submit documentation of same prior to testing.

(d) An applicant for the CER/CSMR/CEO examination must have satisfactorily completed a post-high school Board of Review approved workshop or course of study provided by MJJ, MECRA, or other Board-approved curriculum and submit documentation of same prior to testing.

(e) All CERs/CSMRs/CEOs who are fully certified by December 31, 2005, are exempt from the requirements of subparagraph (d).

~~(e)~~(f) The registration fee is \$60.

- (4) Reciprocal Certification. A reporter, ~~or~~ recorder, operator, or voice writer certified in another state may apply to the board for certification based on the certification already obtained.
- (5) Temporary Certification. A new reporter, ~~or~~ recorder, operator, or voice writer may receive one temporary certification to enable him or her to work until the results of the next test are released. If the person does not take the test, the temporary certification may not be extended unless good cause is shown. If the person takes the test and fails, the board may extend the temporary certification.
- (6) Renewal, Review, and Revocation of Certification.
 - (a) Certifications under this rule must be renewed annually. The fee for renewal is ~~\$50.~~ \$30. Renewal applications must be filed by August 1. A renewal application filed after that date must be accompanied by an additional late fee of \$30. The board may require certified reporters, ~~and~~ recorders, operators, and voice writers to submit, as a condition of renewal, such information as the board reasonably deems necessary to determine that the reporter, ~~or~~ recorder, operator, or voice writer has used his or her reporting or recording skills during the preceding year.
 - (b) The board must review the certification of a reporter, ~~or~~ recorder, operator, or voice writer who has not used his or her skills in the preceding year, and shall determine whether the certification of such a reporter—~~or~~, recorder, operator, or voice writer may be renewed without the necessity of a certification test.
 - (c) The board may review the certification of a reporter, ~~or~~ recorder, operator, or voice writer and may impose sanctions, including revoking the certification, for good cause after a hearing before the board.
 - (d) If, after a reporter's, recorder's, operator's, or voice writer's certification is revoked or voided by the board and the reporter, recorder, operator, or voice writer applies to take the certification examination and passes, the board may issue a conditional certification for a prescribed period of time imposing restrictions or conditions that must be met for continued certification. At the end of the conditional period, an unconditional certification may be issued.
- (7) Designations. The board shall assign an identification number to each person certified. A court reporter, ~~or~~ recorder, operator, or voice writer must place the identification number assigned on his or her communications with the courts, including certificates, motions, affidavits, and transcripts. The board will use the following certification designations:
 - (a) certified electronic recorder (CER);

- (b) certified electronic operator (CEO);
- (c) certified shorthand reporter (CSR);
- (d) certified voice writer/stenomask reporter (CSMR).

The designations are to be used only by reporters, ~~or~~ recorders, operators, or voice writers certified by the board. A reporter, ~~or~~ recorder, operator or voice writer may be given more than one designation by passing different tests.

Staff Comment: The proposed amendment of MCR 8.108(G), as recommended by the Michigan Court Reporting and Recording Board of Review, would expand the rule's coverage to include "operators" and "voice writers" and would mandate completion of a board-approved course as a condition for certification.

The staff comment is not an authoritative construction by the Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on these proposals may be sent to the Supreme Court Clerk in writing or electronically by July 1, 2005, at P.O. Box 30052, Lansing, MI 48909, or MSC_clerk@courts.mi.gov. When filing a comment, please refer to ADM File No. 2004-48. Your comments and the comments of others will be posted at www.courts.mi.gov/supremecourt/resources/administrative/index.htm.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 15, 2005 Corbin R Davis

Clerk